

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

C.R.P. No.4991 of 2017

ORDER:

This Civil Revision Petition at the instance of the petitioners/defendants is directed against the order dated 08.08.2017 in I.A.No.1034/2016 in O.S.No.69/2010 on the file of Judge, Family Court-cum-VI Additional District Judge, Kadapa, whereunder the learned Judge dismissed the petition filed by the petitioners to appoint Advocate Commissioner to visit the plaint schedule property for fixing the same with reference to Ex.A.1—sale agreement dated 24.06.2010 and note down the existing physical features, measurements, all constructions, their nature, period of constructions, cost of constructions and to file report.

- 2) Heard both sides.
- 3) The suit was filed for specific performance by the respondents/plaintiffs. As can be seen from the impugned order, it appears the petitioners/defendants having admitted the agreement to sell, contended that the plaintiffs have no money to pay the balance sale consideration. In view of such plea, the Trial court observed that there is no dispute with regard to the measurements of the schedule property or identification. On these observations, the Trial Court dismissed the petition.

4) I find no illegality, irregularity or perversity in the order impugned. In the affidavit filed before the Trial Court in support of the petition, the petitioners have only mentioned that appointment of Advocate Commissioner is essential to place before the Court about the identity of the plaint schedule property with reference to existing physical features, constructions, their nature, period of constructions etc., so as to discredit the version of the plaintiff and to appreciate their defence. When there is no dispute with regard to the identity of the suit property, it is not known how the noting down of physical features of the suit schedule property would help determine the issues involved in the suit.

5) There are no merits and accordingly the CRP is dismissed. No costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 06.11.2017
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